



STAFF REPORT

TO: Board of Zoning Adjustment (BZA)

DATE: March 16, 2012

RE: Case No. **12-102BZA**, a request for variances to **Section 151-4.5C (1) and Section 151-6.3B (5b)** pertaining to the minimum front setback and the placement of an accessory building in a Residential Rural (R-1) District, where such placement of accessory structures will be in non-compliance of the 2011 Land Development Code (LDC) [Feb.27, 2012] requirements.

Applicants/Owners: Ken I. and Karen J. Minnick

Application: 02/15/12

Site Location: 8825 NE 198th Street

S35 | T54 | R32

Site Size: 38.95± acres

Existing Land Use and Zoning: Agricultural (AG) District

Zoning/Platting History: none, proposed plat and rezoning to Residential Rural (R-1) District

Surrounding Land Use and Zoning:

North – Clinton County

East – Agriculturally zoned land (AG)

South – Agriculturally zoned land (AG), Residential Rural (R-1) zoned land

West – Agriculturally zoned land (AG)

PHYSICAL CONDITIONS



REVIEW

Ken and Karen Minnick own a 38± acre parcel located at 8825 NE 198th Street, lying just south of the Clinton County line and North of the Smithville Reservoir Lake. The Minnick's purchased the property in 1994, but the existing residence and accessory buildings have existed since the late 1940s. The subject property is currently zoned Agricultural (AG) District, but the Minnicks wish to subdivide the property in order to split off a new 10-acre lot that includes the existing residence (described as “E-1” shown above and on *Exhibit D*) and accessory buildings (“E-2” and “E-3” shown above and on *Exhibit D*), which would require a rezoning to Residential Rural District (R-1).

The “E-2” and “E-3” accessory buildings are located 40 feet *inside* the 50-foot building setback line, and forward of the “E-1” principle residence. In conjunction with the platting of the property is dedication of new right-of-way, and due to the curvature of NE 198th Street there was additional right-of-way dedication than normal.

As a result of the Minnick's proposed platting and rezoning, the existing accessory buildings would not meet the more stringent setback standards for the R-1 district versus the existing AG. Therefore, the Minnick's are requesting the following setback variances:

- {Section 151-6.3B (5b)} - **E-2 and E-3 - Existing Accessory Buildings**: forward of the principal structure (**E-1**).
- {Section 151-4.5C (1)} - **E-2 and E-3 - Existing Accessory Buildings**: a 40-foot front setback variance.

In review of a non-use variance request, the following approval conditions must be met [*Section 151-3.12D (2)*]:

- A.** *“The requested variance arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner’s intentional action;”*

Staff Response: The attached **letter** and **Exhibits A and B** have been presented by the petitioner.

- B.** *“The granting of the permit for the Variance will not be contrary to the public interest and will not adversely affect the rights of adjacent property owners or residents;”*

Staff Response: Public Notice was published for this case in the Kearney Courier on March 8, 2012, and certified letters were sent on March 9, 2012 to the adjacent property owners at the addresses furnished by the applicant. At this time, there have been no objections to the request.

- C.** *“The strict application of the provisions of which a Variance is requested will constitute an unnecessary hardship upon the property owner represented in the application;”*

Staff Response: The attached **letter** and **Exhibits A and B** have been presented by the petitioner.

- D.** *“and, The Variance desired will not adversely affect the public health, safety, or general welfare, nor destroy the intent of the Comprehensive Plan.”*

Staff Response: The subject property falls within the Natural Resources Tier of the 2008 Clay County Comprehensive Plan. This request for variances will have no negative implications on the 2008 Comprehensive Plan. In addition, no opposition to this variance has been received to date.

RECOMMENDATION

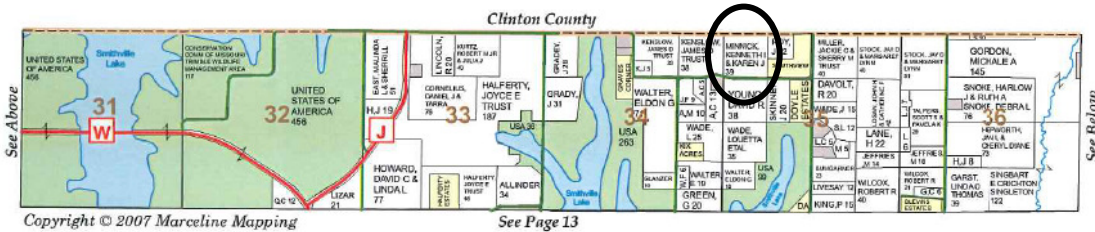
If the Board of Zoning Adjustment finds that the above four (4) approval criteria have been met, then the following variances and condition are to authorize the request:

1. A forty foot (40') front setback variance from *Section 151-4.5 C (1)*, and *Section 151-6.3 B (5b)* to allow the existing accessory buildings to remain forward of the principal dwelling unit.

12-102BZA – Minnick

Attachment A – Vicinity Map

TOWNSHIP 54N • RANGE 32W



DIRECTIONS:

ADDRESS: 8825 NE 198th Street

FROM LIBERTY, MO

Take A Hwy to 92 Hwy

Turn left onto **MO-92 W**

Take the 1st right onto **Co Rd C/S State Hwy C**

Continue to follow S State Hwy C

Turn left onto **SW State Hwy J**

Turn left onto **Co Rd 267/SW Lewis Rd**

Take the 1st right to stay on **Co Rd 267/SW Lewis Rd**

Continue to follow Co Rd 267

Take the 1st right onto **Co Rd 268/SW Lilly Rd**

Continue to follow Co Rd 268

Continue onto **SW 204th St/Co Rd 270**

Turn left onto **Co Rd 271/SW Fightmaster Rd/SW Winn Rd**

Continue to follow SW Fightmaster Rd

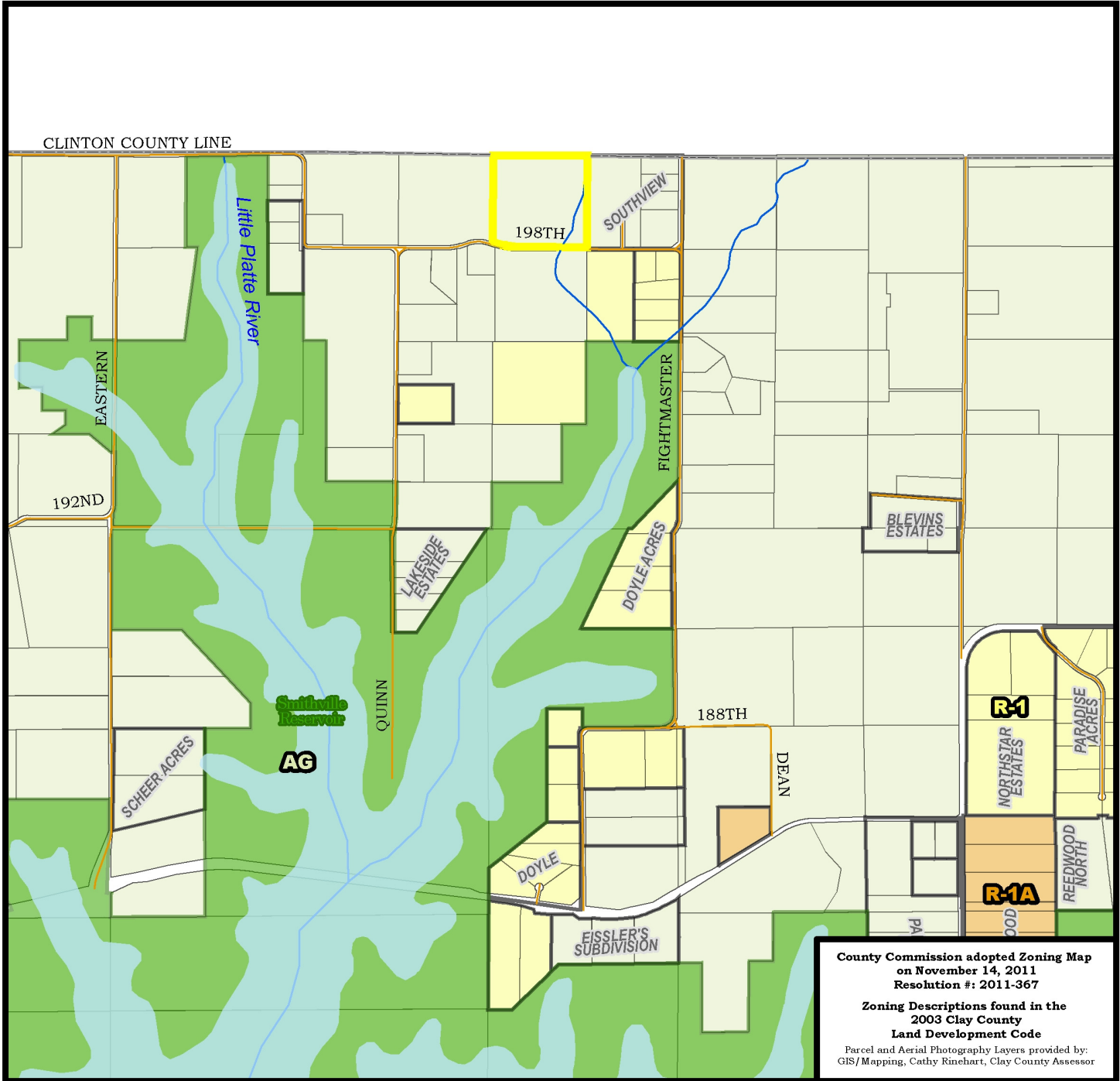
Slight right onto **NE 198 St/NE 198th St**

Destination will be on the right

8825 NE 198th St
Trimble, MO 64492

12-102BZA - Minnick Farms

Attachment B - Existing Conditions Map



County Commission adopted Zoning Map
on November 14, 2011
Resolution #: 2011-367

Zoning Descriptions found in the
2003 Clay County
Land Development Code

Parcel and Aerial Photography Layers provided by:
GIS/Mapping, Cathy Rinehart, Clay County Assessor

Planning & Zoning Department



1 inch = 2,000 feet
1 inch = 0.38 miles

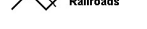
LEGEND



Property Line



Streams (EPA)



Railroads



Roads (CLASS)



Interstates



State Highways



Local Roads



Highway Ramps

Overlay Districts

OVERLAY



CD (Conservation District)



PUD (Planned Unit Development)



Subdivisions



County Boundaries



2011 City Limits



Parks

Zoning Districts

AG

R-1

R-1A

R-1B

R-3

C-1

C-2

C-3

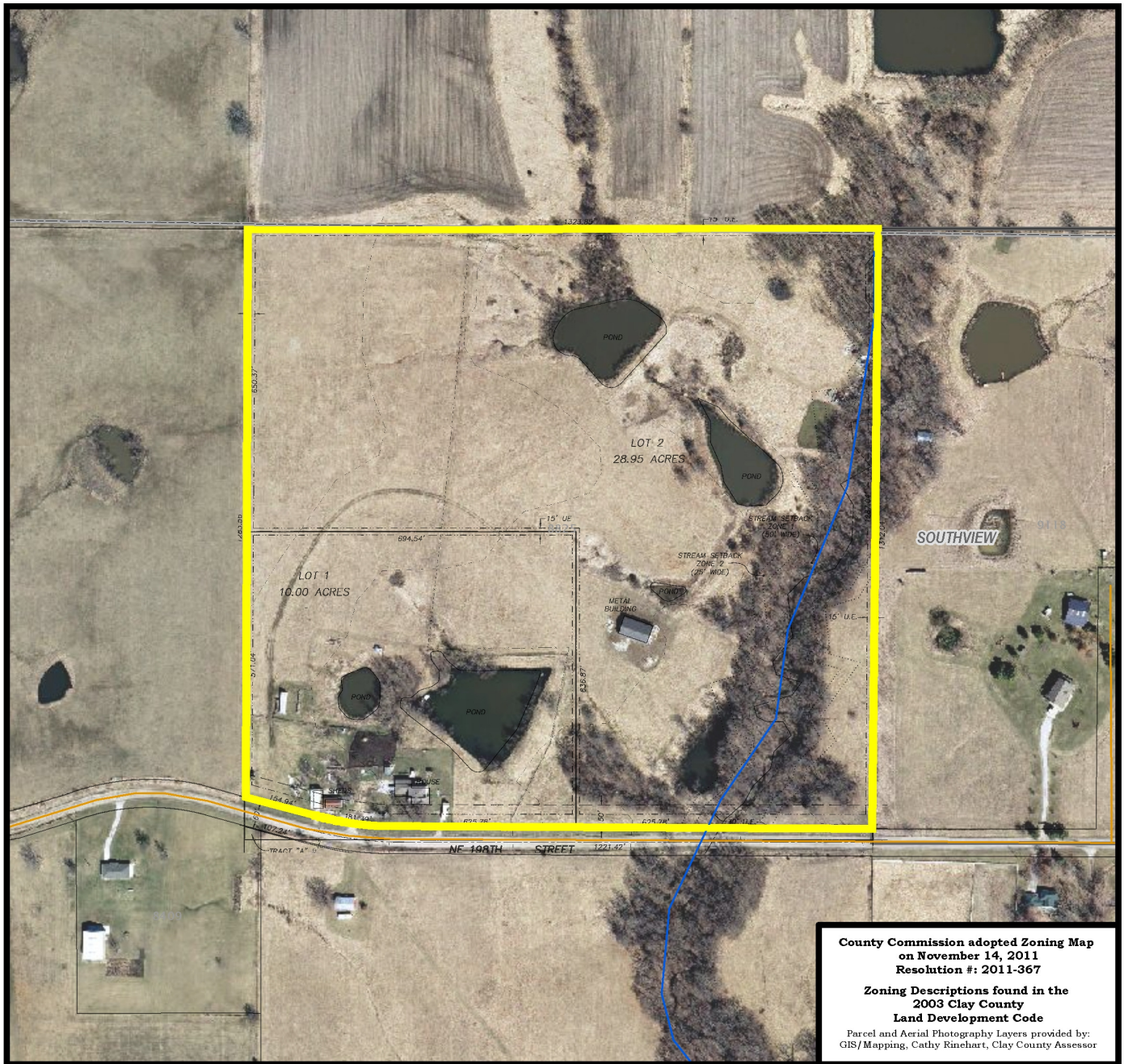
I-1

I-2

OP

12-102BZA - Minnick Farms

Attachment C - Site Plan Map

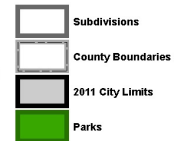
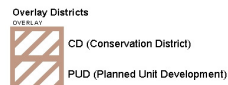
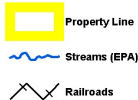


Planning & Zoning Department



1 inch = 300 feet
1 inch = 0.06 miles

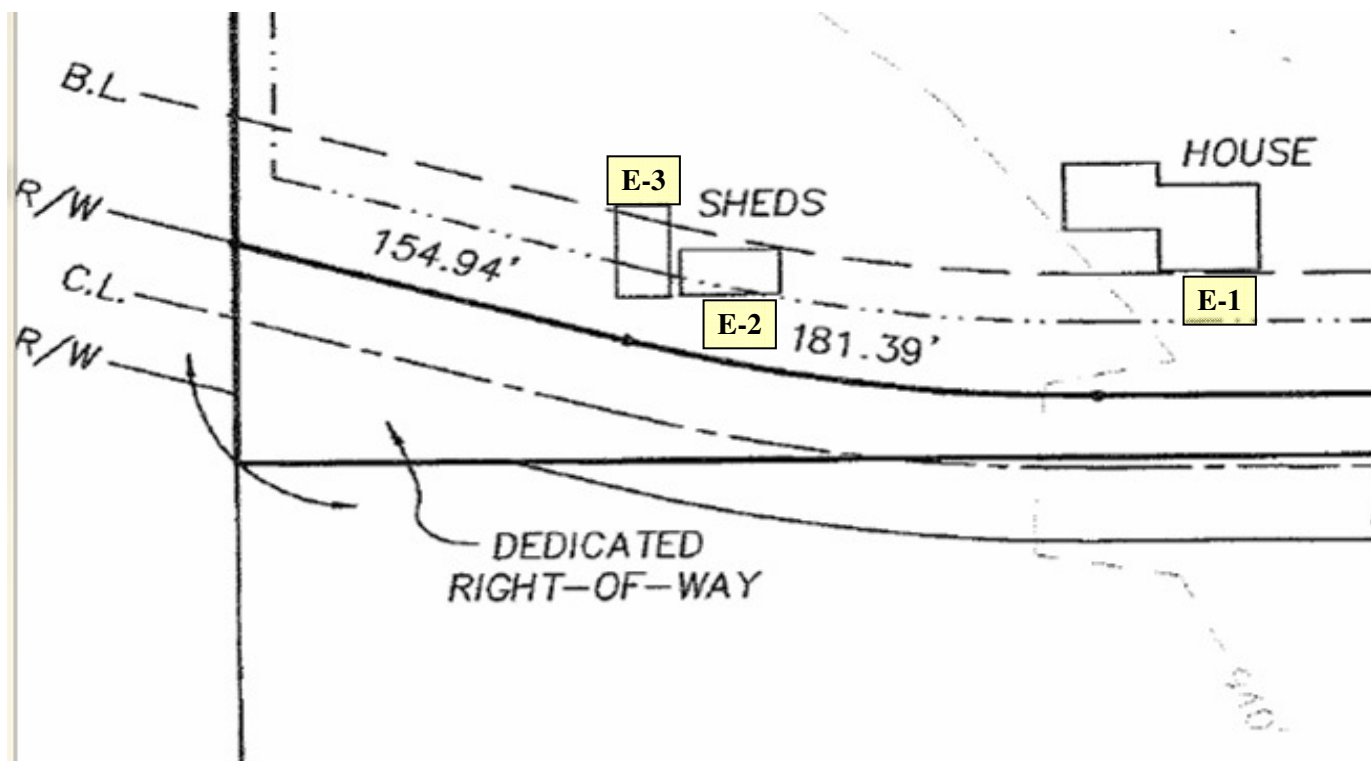
LEGEND



Map Document: (G:\GIS\Project_Files\Vacancy Map - 8 x 11 P.mxd)
03/13/2012 -- 01:51:29 PM

12-102 BZA – Minnick

Attachment D – Site Plan Drawing



12-102 BZA – Minnick

Exhibit A –Petitioner Letter (p. 01 of 01)

February 13th, 2012

Ken Minnick
3414 N. Brighton
Kansas City, MO
64117

Clay County Planning and Zoning
Attn: Debbie Viviano
Planner
234 W. Shrader, Suite C
Liberty, MO 64068

Dear Ms. Viviano:

I'm sending you this email in hopes for a consideration regarding the variance that involves a building on my property that sets off of 198th. Please read over my outline of explanation.

- a) When I purchased this property in 1994 this building had been in use for many years already. It has been there since the late 40's.
- b) The building hasn't proven to have any significant impact on the road itself, or the locals using the road.
- c) There haven't been any complaints regarding the placement of the structure.
- d) It doesn't impair the vision from either direction while driving. I've taken pictures to prove that as a fact and not just my opinion. I've also asked neighbors if they see that structure as a obstruction of there view and they have voiced that they have no problems with it to me.
- e) This building has been used for many years prior to my ownership as I've already stated, and is still being used to this day. This building does not raise any concern for public interest and does not have adverse affect to any rights of any property owners neighboring my property.

I hope this information is of assistance to you and the members of the Board of Zoning. If you feel that there is other information that could help you come to a conclusion to resolve this matter and help me keep my building please contact me. Thank you for taking the time to review this.

Sincerely,

Ken Minnick

12-102 BZA – Minnick

Exhibit B -Petitioner Picture

